**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Public Servants – CT Department - Surprise Check conducted over the Boarder Check Post, situated abutting NH-26 at Ramabhadrapuram Village and Mandal, Vizianagaram District on 03/04.06.2016 – Certain irregularities noticed – Initiation of Disciplinary Proceedings Against Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District under Rule 20of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Articles of charges - Issued.

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**REVENUE (VIGILANCE-II) DEPARTMENT**

**G.O.Rt.No.33** **Dated:09.01.2020**

**Read the following:-**

1. From the DG, ACB, Lr.Rc.No.62/DES-VVZ/2016, dt:28-11-2017.
2. Govt.Memo No.17023/46/2017/Vig.II-1, Dated:12-02-2018.
3. From the DG, ACB, AP, Vijayawada, Lr.Rc.No.62/DES-VVZ/2016-S.12, dated: 04.10.2019.
4. G.O.Ms No.5, Revenue (Vig.II) Dept, dated 09.01.2020.

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**O R D E R :**

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 4th read above, it is considered necessary to hold an enquiry against Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District in accordance with the procedure laid down in Rule 20 of the said rules.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District is directed to submit within 10 days from the date of receipt of this order, a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect

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of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at this instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District (w.e, Annexures-I to IV) **through** the Chief Commissioner of State Tax, AP, Vijayawada (with a request to serve the order on the individual and send the served copy with dated signature to Government).

The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.

Copy to:

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

**ANNEXURE-I**

**STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI UPPU SIVA RAO, ASSISTANT COMMERCIAL TAX OFFICER, BOARDER CHECK POST, RAMABHADRAPURAM, VIZIANAGARAM DISTRICT.**

That Sri Uppu Siva Rao, S/o Appa Rao worked as Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District from 13.03.2015 to 03.06.2016. While working as Assistant Commercial Tax Officer, Boarder check post, Ramabhadrapuram, Vizianagaram, he has committed grave misconduct in as much as.

**CHARGE:-**

The Government Servant Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District has failed to account for the unaccounted cash of Rs.19,600/- found under the cot of rest room used by the Officers and staff of the Check post and unaccounted cash of Rs.2,610/- found in a card board box under the counter of the check post on the date of surprise check i.e. on 03.06.2016 and thereby violated Rule 9(8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, the Government Servant Sri Uppu Siva Rao, S/o Appa Rao by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rules 3 (1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

**ANNEXURE-II**

**STATEMENT OF IMPUTATION OF MIS-CONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI UPPU SIVA RAO, ASSISTANT COMMERCIAL TAX OFFICER, BOARDER CHECK POST, RAMABHADRAPURAM, VIZIANAGARAM DISTRICT.**

Sri Uppu Siva Rao, S/o Appa Rao worked as Assistant Commercial Tax Officer. Border Check Post, Ramabhadrapuram, Vizianagaram District. His date of birth is 05.06.1966. He joined in Government Service on 05.12.1986 as Junior Assistant and worked at Commercial Tax Office-II, Vizianagaram up-to 22.05.2006. He was promoted as Senior Assistant on 23.05.2006 and worked at 0/o the Commercial Tax Officer. Parvathipuram up-to 22.10.2013. He was promoted as Assistant Commercial Tax Officer on 23.10.2013 and worked at 0/o the Deputy Commissioner, Commercial Tax Department, Vizianagaram up-to 12.03.2015. He worked as Assistant Commercial Tax Officer at Boarder Check post, Rambarapuram, Vizianagaram District from 13.03.2015 to 03.06.2016 i.e. date of surprise check. His present basic pay is Rs.53,950/-. His date of attaining the age of superannuation is 30.06.2026. He is here in after referred to as Government Servant.

On reliable information that the employees of Border Check Post, Rambhadrapuram, Vizianagaram District were habitually indulging in corrupt practices, and collecting illegal gratifications abusing their official positions directly and also through private persons from the vehicles drivers/owners passing through the check-post without collecting tax dues from them for the violations committed by them, causing huge loss to the Government Exchequer, a surprise check was conducted on 03.06.2016 from 2100 hours to 0130 hours on 04.06.2016 in the presence of mediators.

On 03.06.2016 at about 1945 hours, the Deputy Superintendent of Police, Inspectors and staff of Anti Corruption Bureau, Vizianagaram Range and mediators left the office of Deputy Superintendent of Police, Anti Corruption Bureau, Vizianagaram, reached the premises of the Border Check Post, Rambhadrapuram at 2050 hours and conducted surprise check on the Check-post.

The Deputy Superintendent of Police and other staff entered into the premises of Commercial Tax Checkpost, noticed 04 male persons who were present in the check post counters and also found several persons standing outside the check post counters. When checked the rest room relating to the check post.on the rear side of the check post counters, they found one male person sitting on a cot. Besides these persons, one person was found waving a red flag and stopping the Lorries that are passing the check post.

The Deputy Superintendent of Police deputed his staff members to guard all the counters. When the Deputy Superintendent of Police questioned about the in-charge of the check post, one person sitting in the main chair disclosed his identity as Sri Uppu Siva Rao, Assistant Commercial Tax Officer and informed that Sri Ramesh Chandra Bariko, Deputy Commercial Tax Officer is the Administrative Officer of the Check post and he was present in the rest room of the check post. The Deputy Superintendent of Police disclosed his identity and other members of the search party also disclosed their identity to him. Then the Deputy Superintendent of Police instructed the Assistant Commercial Tax Officer to disclose the identity of other persons present in the counter. It was ascertained that they were Sri Therli Satyanarayana, S/o Appa Rao, Junior Assistant, Sri Sunkara Suresh, S/o Narayana, 35 years, Outsourcing Generator Operator and the other person disclosed his identity as Sri Chokkapu Bangar Naidu, S/o Late Narayana, 35 years, private person. The person who was waving a red flat on the road is Sri T.V.D. Srinivasa Rao, Office Subordinate. Sri Terli Satyanarayana was found sitting at the counter

Contd.,2

and collecting the records from the vehicle drivers / cleaners and two other persons were found to be standing in the said room. Then the Deputy Superintendent of Police proceeded to the rest room of the check post and found a male person to be present there. When questioned, he disclosed his identity as Sri Ramesh Chandra Bariko, S/o Tharani Bariko, 55 years, Deputy Commercial Tax Officer, Administrative Office, Boarder Check Post, Rambhadrapuram. Then the Deputy Superintendent of Police explained the purpose of their visit to the persons present in the counter and the rest of employees and asked them to search belongings of all the search party members before they commenced the search. The said members declined to conduct personal search of the search party and allowed the search party to conduct search in the said room and the rest room.

Then, the Deputy Superintendent of Police along with other members of the search party checked all the counters and inside the check-post building. They noticed currency notes in a cardboard box under the counter. When the currency notes were counted, it was found to be Rs.2,610/-. Then the Deputy Superintendent of Police along with his staff conducted search in the rest room and found a bundle of currency notes under the cot. When the bundle of currency notes was checked, it was found to contain cash Rs.19,600/-. Then the Deputy Superintendent of Police assembled the staff of the check post in the main room and questioned them about the cash found in the counter and the rest room. But none of them could give any explanation for the same. Then the Deputy Superintendent of Police, Anti Corruption Bureau seized the above unaccounted cash as illegal gratification collected by the staff of the check post from the vehicle drivers/owners for allowing their vehicles to pass through the check post without checking and without facing unnecessary delay or problem.

On the direction of the Deputy Superintendent of Police, Anti Corruption Bureau the check post Administrative Officer produced the Government cash present in the check post and that amount was found to be Rs.1,40,400/-. Then as per the instructions of Deputy Superintendent of Police, Anti Corruption Bureau, the Commercial Tax Officer, Sri K. Nagaraju who accompanied them verified the receipt book of Assistant Commercial Tax Officer bearing number 3769. It was found to have been written from 01.06.2016 till receipt No. 5676872 and an amount of Rs.1,40,400/- was found to have been collected from 0800 hours on 03.06.2016. Thus the amount was found to tally. On verification of Tax receipt book relating to the Deputy Commercial Tax Officer / Administrative Officer Sri Ramesh Chandra Bariko has not collected any tax on 03.06.2016.

Then the Deputy Superintendent of Police, Anti Corruption Bureau instructed the staff of the check post to produce the personal cash available with them and the Deputy Superintendent of Police tallied the same with the cash declared in the personal cash register, the details are as follows:

| Sl. No | Employee Name | Cash found on person | Cash declared in the personal cash register | Excess / shortage |
|---|---|---|---|---|
| 1. | Ramesh Chandra Bariko, DCTO/AO | No cash found | Not Mentioned | -- |
| 2. | U. Siva Rao, ACTO | Rs.1,500/- | Rs.2,000/- | -- |
| 3. | T.Satyanarayana, Junior Assistant | Rs.600/- | Rs.900/- | -- |
| 4. | T.V.D. Srinivasa Rao, Office Subordinate | Rs.100/- | Nil | -- |

Contd.,3

Then the Deputy Superintendent of Police, Anti Corruption Bureau got the personal search of the private person Sri Chokkapu Bangar Naidu, S/o Late Narayana present in the office and found that he is not having any cash on person. When examined with regard to his presence in the office he stated that he was appointed by the staff of the check post for bringing food to the staff of the check post and he was given an amount of Rs.100/- per day by the Administrative Officer of the check post.

Then the Deputy Superintendent of Police, Anti Corruption Bureau secured the presence of Sri Sunkara Suresh, S/o Narayana, 35 years, Outsourcing Generator Operator, Check Post, Rambhadrapuram, Vizianagaram and questioned him. On examination he stated that he has been appointed as outsourcing generator operator and working in the check post since 2006 and he will be getting an amount of Rs.4,000/- from his agency. His duty is to operate the generator present in the Check Post. He further stated that he is having personal cash of Rs.120/- with him.

The Deputy Superintendent of Police secured the presence of the following drivers / cleaner of transport vehicles and examined them.

1. Sri Dukka Appala Raju, S/o Late Nagaraju, 28 years, Driver of TATA Ace B.No.AP31TE5510, R/o D.No.21-7, Srinivasanagar, Gollanarayanapuram, Simhachalam, Visakhapatnam.
2. Sri Gottapu Simhachalam, S/o Swamy Naidu, 40 years, Driver of Lorry No. AP 35 X 7511, R/o Gottapu Veedhi, Saluru Town, Vizianagaram.
3. Sri Sunkara Sankara Krishna Rao, S/o Sanyasi, 38 years, Driver of lorry AP 31 TE 9979, r/o Tumpeda veedhi, Anakapalli, Visakhapatnam.
4. Sri Arasada Shankara Rao, S/o Ramulu, 33 years, Driver of lorry AP 35 X 5799, R/o Dabbi Veedhi, Saluru Town, Vizianagaram.

On examination, they categorically stated that the check post officials were demanding bribe from them ranging from Rs.20/- to 50/- for allowing their vehicles to pass through the check post and not causing any undue obstruction in verification of their vehicle records, permits and other documents. They were asked to pay the bribe amount regularly whenever they would be passing through the check-post. On that day also they came to the check-post and paid the bribe amount.

Then the Deputy Superintendent of Police, Anti Corruption Bureau instructed the Administrative Officer to produce the records which are being maintained in the check post, on that he produced the registers and the details are as follows:

1. Attendance register maintained from January 2016 to till date, it is mentioned as D.O. against Sri Ch. Suresh Naidu, ACTO.
2. Revenue figure register of the DCTO maintained from 01.02.2015 to 31.05.2016 in page no 19.
3. Duty register maintained from 01.03.2015 to 03.06.2015 and last entry made in page no.232.
4. Cash book of the ACTO maintained from 24.12.2015 to till date.
5. Cash book of the DCTO maintained from 03.03.2015 to 29.05.2016.
6. Personal cash register/ money register maintained from 08.09.2015 to till date.
7. Revenue figure register of the ACTO maintained from 17.02.2012 to 31.05.2016.
8. Two receipt books relating to payments of money in cash of the DCTO and the ACTO.

Contd.,4

Then the Deputy Superintendent of Police obtained the Photostat copies of the relevant register and got attested by mediators and seized the same for the purpose of enquiry.

As per the guidelines issued by the Commercial Tax Department, at any point of time two Assistant Commercial Tax Officers should be present 'in the check post duty. Out of which one Assistant Commercial Tax Officer should checking the vehicles physically and the other Assistant Commercial Tax Officer should be present in the counter for verification of the record and for levying the taxes for the defaulters. The check post officials supposed to check each and every vehicle passing through the check post, have to find out the violations under Commercial Tax Act and way bills etc. and they are supposed to collect the tax dues accordingly, but they are allowing the vehicles to pass through check-post without verifying physically by abuse of their official position habitually, collecting bribes by appointing private persons and thereby causing huge loss to the Government Exchequer.

During the course of Surprise Check i.e on 03.06.2016, unaccounted cash of Rs.19,600/- was found from under the cot of rest room used by the Officers and staff of the check post. Besides unaccounted cash of Rs.2,610/- was found in a card board box under the counter of the check post. Deputy Commercial Tax Officer Sri Ramesh Chandra failed to give any explanation for the same. Then the Deputy Superintendent of Police assembled the staff of the check post including Assistant Commercial Tax Officer Sri Uppu Siva Rao in the main room and questioned them about the cash found in the counter and the rest room. But none of them could give any explanation for the same. Then the Deputy Superintendent of Police, Anti Corruption Bureau seized the unaccounted cash of Rs.2,610/- found in the counter of the check post and the cash of Rs.19,600/- found under the cot in the rest room as illegal gratification collected by the staff of the check post from the vehicle drivers I owners for allowing their vehicles to pass through the check post without checking and without facing unnecessary delay or problems.

During the course of surprise check, Deputy Superintendent of Police secured the drivers of transport vehicles and examined them in the presence of mediators.

On examination, they categorically stated that the check post officials were demanding bribe from them ranging from Rs.20/- to 50/- for allowing their vehicles to pass through the check post and not causing any undue obstruction in verification of their vehicle records, permits and other documents. They were asked to pay the bribe amount regularly whenever they would be passing through the check-post. On that day also they came to the check-post and paid the bribe amount.

Hence, the Government Servant Sri Uppu Siva Rao, Assistant Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District has failed to give proper reply for unaccounted cash of Rs.19,600/- was found from under the cot of rest room used by the Officers and staff of the Check post and unaccounted cash of Rs.2,610/- was found in a card board box under the counter of the check post on the date of surprise check i.e. on 03.06.2016. A number of drivers of Lorries passing through that check post during surprise check were examined and all of them stated that they were asked to pay the bribe amount regularly to the check post staff whenever they would be passing through the check-post and on that day also, they came to the check post and paid the bribe amount and violated Rule 9(8) (A) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Contd.,5

Thus, the Government Servant Sri Uppu Siva Rao S/o Appa Rao by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rules 3 (1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus Government Servant has therefore rendered himself liable for regular Departmental Action for major penalty.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

**ANNEXURE —III**

**LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI UPPU SIVA RAO, ASSISTANT COMMERCIAL TAX OFFICER, BOARDER CHECK POST, RAMABHADRAPURAM, VIZIANAGARAM DISTRICT.**

1. Photostat copy of Surprise Check Proceedings, dated: 03.06.2016.
2. Attendance register of Boarder Check Post, Ramabhadrapuram maintained from January 2016 to till date of Surprise Check.
3. Photostat copy of Cash book of the ACTO maintained from 24.12.2015 to till date of Surprise Check.
4. Part-II statements of SI. Nos. 1 to 9 mentioned Annexure-III.
5. Any other document if necessary it will be produced at the time of enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

**ANNEXURE — IV**

**LIST OF WITNESSES BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI UPPU SIVA RAO, ASSISTANT COMMERCIAL TAX OFFICER, BOARDER CHECK POST, RAMABHADRAPURAM, VIZIANAGARAM DISTRICT.**

1. Sri Dukka Appala Raju, S/o Late Nagaraju, 28 years, Driver of TATA Ace B.No.AP31TE5510, R/o D.No.21-7, Srinivasanagar, Gollanarayanapuram, Simhachalam, Visakhapatnam.
2. Sri Gottapu Simhachalam, S/o Swamy Naidu, 40 years, Driver of Lorry No. AP 35 X 7511, R/o Gottapu Veedhi, Saluru Town, Vizianagaram.
3. Sri Sunkara Sankara Krishna Rao, S/o Sanyasi, 38 years, Driver of lorry AP 31 TE 9979, R/o Tumpeda veedhi, Anakapalli, Visakhapatnam.
4. Sri Arasada Shankara Rao, S/o Ramulu, 33 years, Driver of lorry AP 35 X 5799, R/o Dabbi Veedhi, Saluru Town, Vizianagaram.
5. Sri Ramesh Chandra Bariko, S/o Tarini Bariko, 55 Years, Deputy Commercial Tax Officer, Border Check Post, Ramabhadrapuram, Vizianagaram District.
6. Sri Terli Satyanarayana, S/o Appa Rao, 38 Years, Junior Assistant, Boarder Check Post, Rambadrapuram, Vizianagaram District.
7. Sri Tangella Venkata Durga Srinivasa Rao, S/o Late Gowri Veereswara Sharma, 42 Years, Office Sub-Ordinate, Boarder Check Post, Rambadrapuram, Vizianagaram District.
8. Sri Sunkara Suresh, S/o Narayana, 35 Years, Generator Operator (Out Sourcing), Boarder Check Post, Rambadrapuram, Vizianagaram District, R/o Kota Veedhi, Saluru, Vizianagaram District.
9. Sri Chokkapu Bangaru Naidu, S/o Late Narayana, 35 Years, Private Person, Boarder Check Post, Rambadrapuram, Vizianagaram District, R/o Chokkapu Veedhi, Rambadrapuram, Vizianagaram District.
10. Sri Kandula Nagaraju, S/o Bhaskara Rao, 48 years, Commercial Tax Officer, M.G. Road East, Vizianagaram, R/o Plot No.21, Thotapalem, Near Gayathri College, Vizianagaram.
11. Sri Munjeti Venkata Rao S/o Chiranjeevulu, age 42 years, Proh. & Excise Inspector, Kothavalasa, R/o D.No. C-47/2, Opp. MDO Office, Kothavalasa Mandal, Vizianagaram District.
12. Sri Sheik Meera Saheb S/o Late Madeenasaheb, age 45 years, Prob. & Excise Sub Inspector, Cheepurupalli, R/o Bangavamma Colony, Kottabalagam, Parvathipuram, Vizianagaram District.
13. Ch. Lakshmipathi, Deputy Supdt. of Police, Anti-Corruption Bureau, Vizianagaram Range, Vizianagaram.
14. D. Ramesh, Inspector of Police, Anti Corruption Bureau, Vizianagaram Range, Vizianagaram.
15. K.Satish Kumar, Inspector of Police, Anti Corruption Bureau, Vizianagaram Range, Vizianagaram.
16. Any other witness if necessary, he/she will be produced at the time of enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER